

IN THE SUPRME COURT

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ORDER GRANTING INJUNCTION

Action no. 14 SSC 002

Order Granting Temporary Injunction to Prevent the Inauguration of Student Bar Association Officers

At 2:30 a.m. on Tuesday, April 14, 2015 the petitioner, William Piontek, asked this Court to temporarily enjoin Leslie Puzo from holding an inauguration ceremony for the Student Bar Association Officers elected in the April 1, 2015 SBA elections on the grounds that the SBA Elections Committee failed to uphold IX SBA Bylaws §11, IX SBA Bylaws §11.1, IX SBA Bylaws §11.2, and IX SBA Bylaws §11.16 when it ruled the April 1, 2015 election was “fair, open, and unbiased,” and that Nana Asante, Robert Sparks, Meghan Boyd, Tanisha Edwards, Rachel Morgan, Annie Kouba, and Jesse Ramos had committed no campaign violations.

As the motion was received less than ten hours before the ceremony was scheduled to take place and at an hour when most are asleep, I was unable to convene the full court.

In arguing that the Court has the authority to issue this injunction, the plaintiff cites III SGC 631(a), and this Court’s interpretation of that statute in *Nicholas v. Raynor* 08 SSC 004, saying that the Court has the power to issue temporary injunctions “in extreme circumstances and only when necessary.” That case and that statute pertain only to injunctions that stop an election held by the Student Body Board of Elections. While this matter does involve elections, the injunction is against a ceremony. Moreover, the election was not administered by the Student Body Board of Elections.

However, there is another portion of the code which has the same effect as an injunction. III SGC 731(b) states that this Court is permitted to issue temporary restraining orders when it “is necessary to preserve the jurisdiction of the court or the rights and remedies of the party requesting the order,” and “the party requesting the temporary restraining order be issued is clearly entitled to the relief requested under principles of justice.”

Turning now to the matter at hand, at 8:09 p.m. on Monday, April 13, 2015 the plaintiff gave verbal notice to this Court of his intention to file a complaint appealing the April 9, 2015 decision of the Student Bar Association’s Election Committee in a complaint he had filed with them regarding the April 1, 2015 Student Bar Association Elections.¹

The plaintiff’s allegations are twofold. First, he claims that Elections Committee should have ruled the April 1, 2015 elections invalid, as they could not have been held in “fair, open, and unbiased,” manner, as required by the SBA By-laws (IX SBA By-laws §11) due to an email sent

¹ The Plaintiff notified the Chief Justice of his desire to make verbal notice in an email at 2:37 p.m. on Monday, April 13, 2015. The call was scheduled for later due to my class schedule. Plaintiff’s email falls within the ninety-six hours statute of limitations set out in the Code (III SGC §710). As I was the one who had to schedule the call to give verbal notice for later that night, it would be an injustice to plaintiff to rule that the statute of limitations had expired when he gave verbal notice.

by the Dean of the Law School, Jack Boeger, on March 31, 2015. Plaintiff maintains that the claims made by the Dean were both false and disparaging. Because the Dean's perspective is highly valued by students of the law school, Plaintiff believes the email created a biased environment for the following day's election.²

Second, plaintiff alleges that Elections Committee erred in finding that Nana Asante, Robert Sparks, Meghan Boyd, Tanisha Edwards, Rachel Morgan, Annie Kouba, and Jesse Ramos had not violated Sections 11.1, 11.2, and 11.16 of the SBA By-laws.

The plaintiff was himself a candidate in the election that he claims is invalid and certainly was harmed by the actions of Asante et. al., as he lost the election. Moreover, as the plaintiff notes, if the new officers are sworn in, the validity of the elections and the actions of the winning candidates will, in the minds of most law school students, be solidified, removing the possibility for the plaintiff to receive the relief sought. As was determined in *Brady v. Jacon* 13 SSC 001, showing that an action would render a complaint moot satisfies both conditions of III SGC 731.

Having met both conditions, I am inclined to grant the injunction. I am further convinced of the need for an injunction by considering the harm done by not issuing it. Fair elections are a prerequisite to a legitimate organization. The allegations here call into question the fairness of the SBA elections. As much disruption as this injunction will cause, it is worth it to provide certainty to members of the Student Bar Association that their leaders have been selected in an open and unbiased manner. The Student Bar Association President, Leslie Puzo, is hereby enjoined from performing the new SBA Officer's inauguration ceremony until this matter has been resolved.

The Court is aware of the many delays that have taken place in this year's SBA elections and the fast approaching end of term for UNC Law Students. I soundly reject the plaintiff's notion that no harm is caused by issuing this injunction. A great deal of harm is caused, as the injunction further disrupts the transition of power from outgoing officers to incoming ones and leaves UNC Law Students in a continued state of uncertainty as to who their leaders are. The harm done by not issuing this injunction simply outweighs the harm done by doing so.

The Court will move with considerable haste to resolve the matter. As such, plaintiff, William Piontek is ordered to submit his complaint no later than 8 p.m. on Tuesday, April 14. Defendants John Harris, Nana Asante, Robert Sparks, Meghan Boyd, Tanisha Edwards, Rachel Morgan, Annie Kouba, and Jesse Ramos are ordered to submit their answers to this court no later than 10 p.m. on Wednesday, April 15. To ensure that the defendants receive the complaint in a timely manner, I will usurp the duties of the Chief Marshal and personally handle distribution of the summons and complaints.

Pursuant to III SGC 631(b), I am issuing this opinion on behalf of the Court, as there was insufficient time to convene the other justices.

² This Court has no authority to judge statements or actions made by Dean Boeger or anyone else who is not a student at the University of North Carolina. Claims that Dean Boeger's email was misleading or factually incorrect are attributed solely to the Plaintiff. The Court may only concern itself with the actions of the SBA Elections Committee in light of those remarks.

ORDER

Accordingly, the Court grants a temporary injunction preventing the Student Bar Association President, Leslie Puzo, from holding an inauguration ceremony for the new SBA leaders until the present matter is resolved.

It is further ordered that the plaintiff, William Piontek, submit his complaint no later than 8 p.m. on Tuesday, April 14 and the defendants, John Harris, Nana Asante, Robert Sparks, Meghan Boyd, Tanisha Edwards, Rachel Morgan, Annie Kouba, and Jesse Ramos submit their response by 10 p.m. on Wednesday, April 15. Finally, the Court orders all parties to file briefs explaining their legal arguments against or in defense of the actions alleged in the complaint and answer by 8:00 p.m. on Friday, April 17.

Done this day, April 14, 2015 at 10:00 a.m.

South A. Moore /s/
Chief Justice of the Student Supreme Court
On behalf of the Court.